



May 14, 2019

Mathew Steinberg, Administrator
Steinberg Family Trust
1064 Alison Circle
Livermore, CA 94550

**COMPLIANCE ORDER NO. DER-18R-008
AMENDMENT 02 TO COMPLIANCE ORDER
CORRECTIVE ACTION PLAN REVIEW
TECHNICAL MEMORANDUM REVIEW**

Dear Mr. Steinberg:

On May 8, 2019, the Department of Environmental Resources (hereinafter "DER") received the Corrective Action Plan (hereinafter "CAP") for Bloomingcamp Water System (hereinafter "Bloomingcamp") required under Compliance Order No. DER-18R-008 (hereinafter "Order") and Amendment No. 01 to the Order (hereinafter "Amendment 01"). A review of the CAP was completed and DER is unable to approve the current proposal due to the following items that must be addressed by the submission of a revised Corrective Action Plan, the due date for which is specified in Amendment 02 to Compliance Order No. DER-18R-008 (hereinafter "Amendment 02"), Directive (A):

1. In the CAP(A)(2) first paragraph submitted on May 8, 2019, Bloomingcamp is referred to as a non-transient non-community water system. Correction: The water system status is a transient non-community water system.
2. Propose a permanent and adequate method for provision of water meeting all applicable California State Drinking Water Act, California Health and Safety Code and California Code of Regulations requirements for all users of the water supplied by Bloomingcamp.
3. Remove the use of bottled water as a permanent solution. See Items A(a), B(a) and B(b) below.
4. Provide specific dates for each milestone in the "TIMELINE FOR COMPLETION" section of the Bloomingcamp CAP.

On May 9, 2019, DER received the Technical Memorandum (hereinafter "Tech Memo") for Bloomingcamp, required under the Order and Amendment 01. A review of the Tech Memo was completed and DER is unable to approve the current proposal due to the following items that must be addressed by the submission of a revised Tech Memo, the due date for which is specified in Amendment 02, Directive (B)

- A. Remove the use of bottled water as a permanent solution for meeting the nitrate Maximum Contaminant Level.
 - a. California Code of Regulations, Title 22, Section 64447.2 lists the Best Available Technologies for achieving compliance with the inorganic MCLs.

- B. Propose a permanent and adequate method for provision of water meeting all applicable California State Drinking Water Act, California Health and Safety Code and California Code of Regulations requirements for all users of the water supplied by Bloomingcamp.
- a. California Water Code, Division 1, Chapter 1, Section 106.3, states that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.
 - b. California Health and Safety Code, Section 116555, requires that a person operating a public water system shall ensure it complies with primary drinking water standards and provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Please note that additional revision(s) may be required once revised CAP and Tech Memo are received.

Please be advised that Bloomingcamp still must meet the requirements in the Directives of the Order and Amendment 01, including Directive No. 6, which directs Bloomingcamp to submit for review and approval, and prior to implementation, a Corrective Action Plan and A-2 which directs Bloomingcamp to submit for review and approval and prior to implementation a Tech Memo. Therefore, Amendment 02 to Compliance Order No. DER-18R-008 is being transmitted to Bloomingcamp under cover of this letter. Please note that there are legally enforceable deadlines associated with Amendment 02 to Compliance Order No. DER-18R-008.

For any future enforcement action, Bloomingcamp will be billed at the Stanislaus County Department of Environmental Resources' (hereinafter "Environmental Health") weighted labor rate, currently \$116 per hour, for the time spent on issuing the enforcement action. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse Environmental Health for actual costs incurred by Environmental Health for specified enforcement actions, including preparing, issuing, and monitoring compliance with an order.

In addition, CHSC, Section 116650, provides that a public water system may be issued a citation with a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Any person who is aggrieved by a citation, order, or decision issued under authority delegated to an officer or employee of Environmental Health under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order, or decision by the officer or employee of Environmental Health. The date of issuance is the date when Environmental Health mails a copy of the citation, order, or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720 or me at (209) 525-6700.

Sincerely,



Karl Quinn, REHS
Environmental Health Manager

Enclosure (1)

Certified Mail No. 7014 3490 0001 6849 4835

cc: Bhupinder Sahota, Stockton District Engineer, State Water Board

DIRECTIVES

A) Delete Directive 6 and replace with the following:

“On or before May 28, 2019, submit the revised Corrective Action Plan, required under Directive No. 5, herein above, to Environmental Health at Environmental Health’s office, located at 3800 Cornucopia Way, Suite C, Modesto, CA 95358.

B) Delete Directive A-2 and replace with the following:

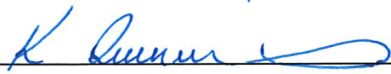
“On or before May 28, 2019, submit a revised Technical Memorandum, required under Directive A-1, herein above, to Environmental Health at Environmental Health’s office, located at 3800 Cornucopia Way, Suite C, Modesto, CA 95358.

Except as amended herein, all other terms of Compliance Order No. DER-18R-008 shall remain in full force and effect.

FURTHER ENFORCEMENT ACTION

The California Safe Drinking Water Act (SDWA) authorizes Environmental Health to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder, including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes Environmental Health to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of Environmental Health. Environmental Health does not waive any further enforcement action by the issuance of this Order.

1
2
3
4
5
6
7



Karl Quinn, R.E.H.S.
Environmental Health Manager
Division of Environmental Health
Department of Environmental Resources
Stanislaus County

5/14/2019

Date

Certified Mail No. 7014 3490 0001 6849 4835